

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Add Section 712
Title 14, California Code of Regulations
Re: Prohibition of Importation of Hunter-harvested Deer and Elk Carcasses

I. Date of Initial Statement: December 30, 2002

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: | February 7, 2003 |
| | | Location: | Sacramento, California |

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| (b) | Discussion/Adoption Hearing: | Date: | April 4, 2003 |
| | | Location: | Visalia, California |

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

This proposed regulatory action is to add a new Section 712 to the regulations to prevent the spreading of Chronic Wasting Disease into California's deer and elk herds by banning the importation of hunter-harvested deer and elk carcasses with exception under certain specific conditions. An emergency regulation regarding this issue was adopted by the Fish and Game Commission on August 30, 2002, but has since expired and the provisions have been changed.

Chronic Wasting Disease (CWD) is a fatal, contagious neurological disease (transmissible spongiform encephalopathy (TSE)) that infects Rocky Mountain elk (*Cervus elaphus nelsoni*), mule deer (*Odocoileus hemionus*), and white-tailed deer (*Odocoileus virginianus*). CWD has been diagnosed in wild deer and/or elk herds in southeastern Wyoming, north-central and northeastern Colorado, western Nebraska, southwestern Wisconsin, southwestern South Dakota (one deer), south-central New Mexico (one deer), and north-central Illinois (three deer). CWD has also been found in ranched elk and/or deer in seven states (Colorado, Kansas, Montana, Oklahoma, Nebraska, Minnesota, and South Dakota). Typical clinical signs include emaciation, changes in behavior, and excessive salivation (drooling).

CWD was first recognized in the 1960s as a disease syndrome of captive deer housed in wildlife research facilities in Fort Collins, Colorado, but was not identified as a TSE until the late 1970s. CWD was later diagnosed in cervids (deer and elk) held in other wildlife research facilities in Colorado (Kremmling and Meeker) and Wyoming as well as in at least two zoological collections. In 1981, CWD was identified in free-ranging deer outside the research pens in Fort Collins, and subsequently was identified in wild deer and elk in the vicinity of the Wyoming wildlife research facility. Since 1996, CWD has been diagnosed in privately-owned farmed elk and/or deer in Colorado, Kansas, Montana, Nebraska, Oklahoma, Minnesota, and South Dakota. Some of the infected cervid herds have been depopulated, while others are still in quarantine. Recently, many states have

adopted regulations prohibiting the importation of any live cervid species until epidemiology of CWD is better understood.

Although CWD was first diagnosed in captive research cervids, the original source of CWD is unknown. The transmission of CWD is thought to be from animal to animal (lateral); however, environmental contamination could also be involved. Transmission by feed is not thought to be involved as affected cervids have been fed a wide variety of feed. The disease agent for CWD has not been confirmed, but is thought to be an infectious protein called a “prion”. A prion is an altered form of a normal cellular protein, that in addition to having a conformational change, has also lost its normal function and acquired the ability to convert normal protein to this altered prion form. Prions are highly stable, resisting degradation or inactivation by ultraviolet radiation, ionizing radiation, freezing temperatures, and heating at normal cooking temperatures.

Currently, there is no evidence that CWD is naturally transmissible to humans or to animals other than deer and elk. The Center for Disease Control and Prevention has stated that “although it is generally prudent to avoid consuming food derived from any animal with evidence of a TSE, to date, there is no evidence that CWD has been transmitted or can be transmitted to humans under natural conditions. However, there is not yet strong evidence that such transmissions could not occur. To further assess the possibility that the CWD agent might occasionally cause disease in humans, additional epidemiologic and laboratory studies could be helpful, including molecular characterization and strain typing of the agents causing CWD in deer and elk and Creutzfeldt-Jakob Disease (CJD) in potentially exposed patients. Ongoing national surveillance for CJD and other neurological cases will remain important for continuing to assess the risk, if any, of CWD transmission to humans.”

There is a theoretical risk that CWD could be transported into California in an infected hunter-harvested carcass and due to improper disposal of infected body parts (brain, spinal cord and lymph nodes) could potentially expose our native free-ranging deer/elk to the disease. No infectivity has been detected in skeletal muscle tissue, therefore, removal of nervous and lymphatic tissue from meat should remove the prion from infected carcasses.

Every fall, thousands of Californians travel out-of-state to hunt deer and elk. Some of these hunters could harvest a deer/elk pre-clinical for CWD (e.g. early CWD infection in which the animal shows no sign of disease) in a CWD endemic area, or an area with infected animals but not yet recognized as endemic for CWD. A percentage of the successful hunters will bone out the meat at the kill site, others will have the deer/elk carcass processed by a nearby meat processor, and another percentage will transport the entire carcass back into California for processing at home or by a licensed meat processor. It is the improper disposal of body parts from infected animals by the hunter processing the meat at home or the commercial meat processor that could expose native wildlife to the CWD disease agent.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Fish and Game Code sections 200, 203, and 2355,.
Reference: Fish and Game Code sections 200, 203, and 2355,.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

Western Wildlife Health Committee, *Chronic Wasting Disease* (October 10, 2002).

APHIS, Factsheet, Veterinary Services, *Questions and Answers About Chronic Wasting Disease* (September, 2002).

Journal of Wildlife Management (Elizabeth S. Williams, Michael W. Miller, Terry J. Kreeger, Richard H. Kahn, E. Tom Thorne), *Chronic Wasting Disease of Deer and Elk: A Review With Recommendations for Management.*, (66(3): pp.551-563).

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The regulation was enacted by the Fish and Game Commission on an emergency basis at its August 30, 2002 meeting, and was the subject of public discussion at that time. Information was distributed to the public through phone calls, e-mails, press releases, and articles, and the emergency regulation was implemented with no opposition reported.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No reasonable alternative to the proposed provision exists.

(b) No Change Alternative:

Under the no change alternative, the emergency regulation would expire and hunters would be allowed to import deer and elk carcasses harvested in states where Chronic Wasting Disease exists. There is a potential that the importation of these carcasses or certain tissues which they contain could serve as a source to infect California's deer and elk. There is no cure for this disease; the management of this disease has required the slaughter of thousands of wild and farm-raised deer and elk in other states. The occurrence of this disease in California would have a significant impact on the deer and elk resources in this state, as well as on the thousands of hunters and businesses which depend upon them.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

No mitigation measures are required by the proposed regulatory action.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in other States:

While the proposal does not eliminate the ability of California's meat-processors or taxidermists to work on imported hunter harvested deer and elk, it does establish restrictions upon which the carcasses may be imported into the State.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on Private Persons:

None.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

**Informative Digest
(Policy Statement Overview)**

This proposed regulatory action is to add a regulation that would prevent the spreading of Chronic Wasting Disease into California's deer and elk herds by banning the importation of hunter-harvested deer and elk carcasses with exception under certain specific conditions.

Specifically, the proposed permanent regulation would permit the importation hunter-harvested deer and elk carcasses if the following conditions are met:

1. Carcass has been boned out or commercially processed and wrapped;
2. Quarters or other cuts of meat with no part of spinal column or head attached;
3. Hides with no heads attached;
4. Clean skull plates with antlers attached;
5. Antlers with no tissue attached;
6. Finished taxidermy heads;
7. Upper canine teeth (buglers, whistlers, ivories).